

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
IN CLERKS OFFICE\_\_\_\_\_  
ANTHONY BAYAD,

Plaintiff,

v.

JOHN CHAMBERS, PATRICIA RUSSO,  
ANTHONY SAVASTANO, and  
CARL WIESE,Defendants.  
\_\_\_\_\_

2005 FEB 28 P 3:46

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
CIVIL ACTION NO. 04-10468-GAO**MOTION FOR SUMMARY JUDGMENT OF DEFENDANTS  
JOHN CHAMBERS, ANTHONY SAVASTANO, AND CARL WIESE**

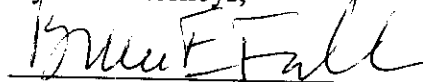
Pursuant to Fed. R. Civ. P. 56, defendants John Chambers, Anthony Savastano and Carl Wiese (collectively, the "Cisco Defendants") move for summary judgment on the remaining employment discrimination and conspiracy counts of the Complaint of plaintiff Anthony Bayad. The Cisco Defendants are entitled to summary judgment on two independent grounds.

First, the Cisco Defendants have no personal knowledge concerning, had no involvement with, and never discussed with each other Mr. Bayad's employment with Cisco Systems, Inc. ("Cisco"), his termination, his alleged subsequent employment applications, or his alleged attempts to do business with Cisco. The Cisco Defendants' lack of knowledge, involvement, and concerted activity entitle them to summary judgment on Mr. Bayad's claims.

Second, there is no genuine issue that Mr. Bayad was not subjected to employment discrimination by anyone at Cisco.<sup>1</sup> Mr. Bayad worked at Cisco for one year, from May 2000 to May 2001. Cisco has no record that he applied for or was denied a promotion. Cisco's transfer and promotion policies made him ineligible for a promotion during his first year of employment in any event. Cisco terminated Mr. Bayad's employment as part of a reduction in force ("RIF") of 8,500 Cisco employees. Mr. Bayad's team manager laid off four people on her team, two white males, one other person, and Mr. Bayad, the team's most junior member. Cisco's records demonstrate that Cisco's decisions not to rehire him thereafter were based on his lack of qualifications for the positions for which he applied. Therefore, even if the Cisco Defendants had participated in these employment decisions, they would still be entitled to summary judgment.

In support of this motion, the Cisco Defendants rely on the Memorandum of Law, the Local Rule 56.1 Statement of Undisputed Facts, and the Declarations of John Chambers, Anthony Savastano, Carl Wiese, Paula Hughes, Lynn Fraser, and Bruce E. Falby submitted herewith.

Respectfully submitted,  
DEFENDANTS  
JOHN CHAMBERS, ANTHONY  
SAVASTANO and CARL WIESE  
By their attorneys,

  
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Dated: February 28, 2005

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<sup>1</sup> Cisco is not, and never was, a defendant in this action.